

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MINNESOTA**  
*Criminal No.: 22-40 (JRT/LIB)(1)*

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UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
vs.	)	<b>DEFENDANT’S RESPONSE TO MOTION</b>
	)	<b>GOVERNMENT’S MOTION IN LIMINE</b>
HARSHKUMAR PATEL,	)	<b>REGARDING ADMISSION OF EVIDENCE</b>
	)	<b>OF MARYLAND DRIVER’S LICENSE</b>
	)	
Defendant.	)	
	)	

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The Defendant, HARSHKUMAR PATEL, by and through the undersigned attorney, in response to the *Government’s Motion in Limine Under Fed. R. Evid. 404(b) to Admit Res Gestae Conspiracy Evidence* (Dkt. No. 125) and in furtherance of *Defendant’s Motion in Limine Number Six to Exclude 404/609 Evidence of Past Bad Acts* (Dkt. No. 143), moves the Court for an order barring the introduction of evidence, opinion or otherwise, regarding the Defendant’s alleged possession of fraudulent Maryland Driver’s License. In support, the Defendant states as follows:

1. In the *Government’s Motion in Limine Under Fed. R. Evid. 404(b) to Admit Res Gestae Conspiracy Evidence* (Dkt. No. 125), the government writes:

At trial, the government may call a cooperating witness who will testify that the Indian smuggling conspiracy had a member who was able to procure real but fraudulent driver’s licenses from the Maryland Motor Vehicle Administration. The cooperating witness possessed such a license. When he was arrested Patel did, too. Patel’s license had a false date of birth and false address but was otherwise a real Maryland license. The fact that he possessed a fraudulent Maryland license thus identifies Patel as a member of the human smuggling conspiracy and is admissible under Fed. R. Evid. 404(b).

Dkt. No. 125, at page 10.

The government has proffered no evidence that this witness, Rajinder Singh, was a member of the conspiracy charged in the case at bar. Presumably, Mr. Singh could testify that *he himself possessed* a fraudulent Maryland Driver's License, but he certainly cannot opine about whether the Defendant possessed a fraudulent driver's license.

2. Unless the government maintains that the Driver's License is, in fact, authentic, it is not a Self-Authenticating document under Federal Rule of Evidence 902.
3. As of this late date, the government has not given notice of any expert testimony regarding whether the Maryland Driver's License possessed by the Defendant at the time of his arrest is fraudulent. Whether or not the Driver's License is fraudulent or whether it is authentic, necessarily requires scientific, technical, or other specialized knowledge within the scope of Federal Rule of Evidence 702.
4. Further, the government has not given notice of any exhibit, business record or otherwise, regarding whether the Driver's License is fraudulent.

### CONCLUSION

Absent expert testimony as to the legitimacy of the Maryland Driver's License, the government should be barred from presenting an argument regarding whether the driver's license possessed by the Defendant was fraudulent.

Respectfully submitted,

Dated: November 6, 2024

/s/ Thomas More Leinenweber

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